

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

CRIMINAL NO. 04 10293 JLT

ANTHONY P. RAYMOND

DEFENDANT'S SUMMARY OF EXPERT TESTIMONY

The defendant hereby discloses a written summary of the testimony and qualifications of Francesa Bowman, a Guidelines expert who may testify at trial.

As to her qualifications, attached hereto please find Ms. Bowman's CV.

Ms. Bowman was for several years the Chief Probation Officer in the United States District Court for the District of Massachusetts, Boston office.

She has an ongoing familiarity with the Guidelines, as well as the impact of the recent cases, especially *Booker and Fanan*.

Ms. Bowman will be able to testify as to the areas concerning the making of the government of a §5k1.1 motion in behalf of the witness Frank Bowman, Jr., as well as the impact on this of the *Booker and Fanfan* cases.

She will go into what the jurisdiction of the Court is, especially on whether or not the Court must sentence Bowman to any particular sentence.

/s/Roger Witkin
ROGER WITKIN
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Tel. 617 523 0027
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BBO No. 531780

Dated: September 23, 2005

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V. CRIMINAL NO. 04 10293 JLT

ANTHONY P. RAYMOND

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the within document was served upon the attorney of record for the United States, AUSA Paul Moore, and a courtesy copy to Ms. Zita Lovett, Courtroom Clerk for Honorable Joseph L. Tauro by mail and electronic filing, which was e-filed this day.

/s/ Roger Witkin
Roger Witkin
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DATED: September 23, 2005

Resume

FRANCESCA DIPIETRO BOWMAN

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Northampton MA 01060

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e-mail: franbowman@comcast.net

EDUCATION

Marquette University (Milwaukee WI): B.A. Degree (Spanish and Psychology) Feb.1964
University of Madrid (Spain): 1961-1962 Junior Year Abroad
Columbia University and New York University (New York City):
Schools of Social Work: Courses 1966-67 and 1975
Smith College School of Social Work (Northampton MA): Courses
Continuing Education Program, Summers 1986 and 1988

WORK EXPERIENCE

January 2000 - Present

Self-employed consultant on federal sentencing and related issues.

May 9,1977-December 31,1999 Federal Probation Officer (Retired as Chief)

- 1977 May -December: Federal Probation Officer for the Southern District of New York.
- 1978-79: Federal Probation Officer, District of Massachusetts, Springfield Division
- 1979-86: Federal Probation Officer, Supervisor Springfield/Worcester
- 1986-1995: Deputy Chief U.S. Probation Officer, D/MA
- 1995 - 12/31/99: Chief U.S.Probation Officer D/MA

My 22 year career in Federal Probation began as a supervision officer in the drug unit in Southern District New York. After transferring to Massachusetts, I wrote presentence reports and supervised a diverse population of white collar and inner city clients. When promoted to supervisor, I managed and oversaw the

work of officers in two locations. Effective management of satellite offices required an extensive knowledge of and network with the Bureau of Prisons, Parole Commission and Marshal's Service, state courts, jails, and probation offices. Later I moved into the Boston office on my promotion to deputy chief. From there, I became immersed in the new sentencing regime prior to their implementation on November 1, 1987.

In 1987, I became responsible for ensuring the training and performance of all probation officers in this district -- that is, their understanding and performance in writing presentence reports and performing their supervision function. In addition, my activities extended outside the office as a resource for training and consultation in various matters relating to sentencing guidelines, the role of the probation office, Bureau of Prisons matters, and parole issues. In 1988, Magistrate Judge Larry Cohen and I developed a sentencing database program to keep track of sentencing issues under the guidelines. This information has served as the basis for articles and numerous appearances to keep the Massachusetts Bar informed.

As Chief, in addition to my involvement in the sentencing guidelines, my duties expanded into management areas. The staff grew by 35% in the four years of my tenure and I oversaw the opening of two new satellite offices and the move to the new Courthouse. Throughout those years, I maintained my interest and immersion in sentencing issues. The sentencing database piqued the interest of several judges and is now available to them with the click of a mouse. The data are also available to lawyers on request. Some make use of the statistics in sentencing.

1976-1977: Inpatient Treatment Counselor at Bernstein Institute at Beth Israel Hospital, New York City.

1969-76: Narcotic Parole Officer with Narcotic Addiction Control Commission of New York State (except for period of residence abroad, September 1972-September 1974).

1965-69: Caseworker at St. Joseph's Hall, Brooklyn (except for period of residence abroad, September 1967-November 1968)

Participation as a Trainer/Faculty/Panelist in Various Seminars and Other Sessions

April 1984 - April 1988 Faculty Federal Judicial Center, training for new POs. Participated on numerous occasions as faculty for training officers in both presentence writing and supervision of persons under supervision.

October 1987 - Spring 1988 "Implementation of Sentencing Guidelines." Judge Robert E. Keeton and I were responsible for training probation officers and judges for the District of Massachusetts. I also participated in an ongoing series of training sessions for the members of the Bar, with then 1st Circuit Judge Stephen Breyer, Judge A. David Mazzone, and Judge Mark Wolf, then a member of Criminal Law Committee.

March 1989 Federal Sentencing Guidelines After Mistretta (89-659), sponsored by Massachusetts Continuing Legal Education, Inc., 20 West Street, Boston, Ma. 02111. Served on a five-member panel.

August 1989 National Chiefs & Deputies Conference. Participated as a facilitator in a workshop on Supervision. "Supervision Strategies: When and How to Punish, Protect, and Rehabilitate."

Spring 1990 Advanced Training for Lawyers on U.S. Sentencing Guidelines, sponsored by the Massachusetts Continuing Legal Education. I was one of a six-member panel.

April 1991 Guest lecturer of Assistant United States Attorney, Gary Katzman on the subject of sentencing reform for one session of his course, "The Government Lawyer," at Harvard Law School.

March 1992 Conducted a training seminar for Mass. State Probation officers along with SUSPO Michael Piotrowski to explain sentencing guidelines.

April 1992 Guest lecturer of Assistant United States Attorney, Gary Katzman on the subject of Sentencing Reform for two sessions of his course, "The Government Lawyer," at Harvard Law School.

May 1992 SUSPO Michael Piotrowski and I conducted a training seminar for fraud unit of FBI in Boston to explain the implication of fraud guidelines and 1st circuit case law for calculating loss.

November 19, 1992 Spoke at a conference for court-appointed counsel in Federal criminal cases sponsored by the Federal Public Defenders on the subject titled "Sentencing: All Power to the PO?"

March 23, 1993 Testified before the U.S. Sentencing Commission on the Probation Officers Advisory Group's recommendations for amendments to Fraud, Money Laundering, and Tax Guidelines.

April 1993 Guest lecturer of AUSA Gary Katzman on the subject of Sentencing Reform for two sessions of his course, "The Government Lawyer," at Harvard Law School.

September 12-14, 1993 Participated as a panelist at Judicial Conference for First Circuit on "The Future of Sentencing."

October 14, 1993 "Advocacy Under the Federal Sentencing Guidelines," sponsored by Massachusetts Bar Association, 20 West Street, Boston, Ma. 02111. Participated on a four-member panel.

February 17, 1994 Participated as a panelist for local Bar sponsored by the Massachusetts Continuing Legal Education on "Federal Criminal Practice in the 1st Circuit."

March 1994 Testified before the U.S. Sentencing Commission on the Probation Officers Advisory Group's recommendations for the 1994 amendment cycle.

March 1995 Testified before the U.S. Sentencing Commission on the Probation Officers Advisory Group's recommendations for the 1995 amendment cycle.

June 14, 1995 Presented at the AUSA's training session on Presentence and Guideline Procedures.

June 21, 1995 Presenter at a training session for the Boston Bar Association on sentencing issues.

March 1996 Participated at Professor Daniel Freed's class on sentencing issues at Yale and discussed the results of the Plea Survey conducted by the Probation Officers Advisory Group.

May 1996 Participated at a training meeting with a Mintz, Levin, Cohen, Ferrer with DCUSPO Piotrowski to discuss Fraud guidelines.

May 1996 The Probation department for the Eastern District of Tennessee invited me to participate as a trainer at their annual department training. Traveled to North Carolina and discussed guideline issues with the presentence writers.

June 1996 Participated as a trainer at the Federal Tax Fraud Conference sponsored by the Foundation for Accounting Education in New York City.

September 1996 Appeared before the Department of Justice subcommittee on Sentencing Guidelines to discuss the plea survey.

October 1996 Participated in a panel discussion on Sentencing Issues for the FJC's workshop for judges of the First Circuit.

November 1996 Appeared at the CJA training for attorneys and discussed the probation officer role as well as some helpful hints for their clients.

February 1997 Participated at the National Judicial College, Reno, Nevada in a planning session for a manual and course on sentencing issues for state judges and probation officers.

April 1997 Guest speaker at AUSA, Gary Katzman's class on "the Government Lawyer" at Harvard Law School.

August 1997 Appeared at the National Judicial College for the second phase of the Sentencing Alternatives Advisory Group.

September 1997 Co-taught a course at UMASS Amherst with Deputy Chief Probation Officer, Robert Ryan for the Criminal Justice Certificate Program -- "the Capstone Course, a survey of the criminal justice system, what works, what doesn't work"

November 1997 Presented at CJA training on Departures and Trends of the last decade.

Spring 1998 Presented at the Boston Bar Association bag lunch on Fraud issues.

Fall 1998 Guest appearances at Deputy Chief Robert Ryan's class at UMASS "Capstone Course"; Guest appearance at Judge Michael Ponsor's class at UMASS on the Federal Legal System.

Spring 1999 Guest appearances at Umass "Capstone Course"; Yale Law School Seminars on Sentencing.

April 1999 Presentation at Boston Bar Association Brown Bag Lunch on Departures.

February and March 2000 Guest appearances at Yale Law School Workshops on Sentencing.

March 2000 Presentation at Boston Bar Association Brown Bag Lunch on Sentencing Commission Update.

March 2000 Presentation at CJA training in Springfield, MA on Sentencing Issues.

April 2000 Guest appearance at "Capstone Course" Criminal Justice program, UMASS, Amherst.

November 2000 Guest appearances at "Capstone Course" Criminal Justice program, and Judge Michael Ponsor's class on the Federal Legal System, UMASS, Amherst.

December 2000 Spoke at American Bar Association, subcommittee on White Collar Crime at Hale & Dorr.

May 2002 Panelist at MCLE training on Sentencing in Federal Court..

October 2002 Spoke at Harvard's Kennedy School of Government "America Law Works: series on Role of Probation Officer.

Articles

The Boston Sunday Globe May 5, 1990 Op Ed Article "The High - and rising - cost of more prisons."

Federal Probation Book Review June 1990, page 76. "Parents Who Help Their Children Overcome Drugs," by Barbara Cottmen Becnel.

Massachusetts Lawyers Weekly October 22, 1990 "Federal Sentencing Reform: Where is it Going?" Cite Page 19 M.L.W. 205, 229 & 209, 224.

Federal Sentencing Reporter "The Greening of Probation Officers in Their New Role" Volume 4, Number 2 September/October 1991, pgs 99-101.

Federal Probation Book Review "U.S. Sentencing Guidelines: Implications for Criminal Justice," edited by Dean J. Champion, December 1991, page 73.

Massachusetts Lawyers Weekly May 18, 1992 "Commission, Congress Taking Disparate Paths" Cite Page 20 M.L.W. 1711-1713

Federal Probation Book Review "Feminism and Addiction," edited by Claudia Bepko. September 1992, page 86.

Federal Sentencing Reporter "The GAO and Sentencing Commission Impact Reports: Where is the Impact?" Volume 5, Number 3 November/December 1992, pgs 164-165.

Federal Sentencing Reporter, "The Need to Act Like a Part of the Judicial Branch" Volume 5, Number 4 January/February 1993, pgs 206.

May/June 1996 issue of Federal Sentencing Reporter devoted to the plea survey conducted by Probation Officers Advisory Group to the Sentencing Commission under my tenure as Chair.

Federal Sentencing Reporter, "Has Koon undermined the Guidelines?" Volume 9, No 1, July/August 1996, pg32-33.

Federal Sentencing Reporter, "Make The Safety Valve Retroactive" Spring 2000, Issue 12.2.

Other Contributions

First Circuit representative on "Probation Officers Advisory Group to U.S. Sentencing Commission" May 1992-May 1996. Elected Chair from 1994-1996.

Advised Walker B. Comegys on Organizational Guidelines in the preparation of his book, Antitrust Compliance Manual (second edition), A Guide for Counsel and Executives of Businesses and Professions

Advised and contributed to the Administrative Office's publication Supervision Monograph 106, chapter on Drugs.

Consulted with U.S. Sentencing Commission on its Special Report to Congress on Mandatory Minimum Sentences, published September 1992.

Hampshire County Mental Health, Board of Directors 1982-1986.

Advisory Board to Criminal Justice Program at UMASS Amherst 1997 - Present.

The Garden (a nonprofit organization for help to grieving children) Board of Directors 1998-2003.

Member of Boston Bar Association "Task Force On Parole And Community Reintegration."
May 2000 to August 2002. Report Issued August 2002.